

IN THE CLAIMS:

Please CANCEL claim 1 without prejudice to or disclaimer of the recited subject matter.

Please AMEND claims 2-5 and 7, and ADD new claim 8, as follows:

1. (Canceled)

2. (Currently Amended) A sheet treating apparatus according to claim [[1]] 5, wherein wherein the ~~sheet transporting force is applied to the sheet at elevations above said sheet stacking~~ portion is positioned at an elevation below that at which the sheet is ejected from the image forming apparatus.

3. (Currently Amended) A sheet treating apparatus according to claim [[1]] 5, wherein said treatment control portion arranges said sheet guiding portion to be switched to a state of selecting said sheet stacking portion when the sheet is not transported for a predetermined period of time in the state in which it is selected to guide the sheet to said sheet treating portion.

4. (Currently Amended) A sheet treating apparatus according to claim [[1]] 5, ~~wherein said sheet guiding portion comprises:~~

~~a displacement body which can be displaced between a position for guiding the sheet to said sheet stacking portion and a position for guiding the sheet to said sheet treating portion; and~~

~~a drive portion which displaces said displacement body from the position for guiding the sheet to said sheet stacking portion to the position for guiding the sheet to said sheet treating portion, and~~

wherein when ~~[[a]]~~ the power supply to said sheet treating apparatus is activated, said displacement body is urged upward by the drive portion to the second position for guiding the sheet to said sheet treating portion and ~~a~~ when the power supply is turned off, said displacement body is displaced by a gravitational force of said displacement body and is not urged upward by the first position for guiding the sheet to said sheet stacking portion.

5. (Currently Amended) A sheet treating apparatus ~~according to claim 1~~ for subjecting a sheet transported from an image forming apparatus to treatment, comprising:

a sheet stacking portion which is arranged to stack a sheet ejected from the image forming apparatus, said sheet stacking portion being without an independent transporting drive force for transporting said sheet;

a sheet treating portion which is arranged to subject the sheet transported from the image forming apparatus to a post-treatment;

a sheet guiding portion which is arranged to selectively guide the sheet transported from the image forming apparatus to one of said sheet stacking portion and said sheet treating portion, wherein said sheet guiding portion comprises:

a displacement body which can be displaced between a first position for guiding the sheet to said sheet stacking portion and a second position ~~lower than the foregoing position~~ for guiding the sheet to said sheet treating portion;

a drive portion which displaces said displacement body from the first position for guiding the sheet to said sheet stacking portion to the second position for guiding the sheet to said sheet treating portion; and

a power supply activated biasing portion which, when said displacement body is in the position for guiding the sheet to said sheet treating portion and a power supply is turned off, biases said displacement body to be in the position for guiding the sheet to said sheet stacking portion; and

a sheet treatment control portion which controls the sheet treating apparatus;

wherein said sheet treating control portion arranges said sheet guiding portion to be in the first position to guide the sheet to said sheet stacking portion in a state in which the power supply of said sheet treating apparatus is turned off.

6. (Previously Presented) A sheet treating apparatus according to claim 4, wherein said displacement body comprises a sheet guide path which guides the sheet to said sheet treating portion.

7. (Currently Amended) A sheet treating apparatus according to claim ~~[[1]]~~ 5, wherein said sheet treating portion has one of a function for aligning sheets, a function for punching sheets, and a function for stapling sheets.

8. (New) A sheet treating apparatus according to claim 5, wherein the second position is higher than the first position.